

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:23-00182

BRIAN ELLIS JONES
JASON TODD PAINTER

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of defendant Brian Ellis Jones for a continuance of trial and all case related action in this matter. (ECF No. 49.) In support of defendant's motion, counsel for defendant explains that due to the significant amount of discovery in this matter additional time is required to determine if any pre-trial motions will be necessary. The government does not oppose defendant's motion.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).

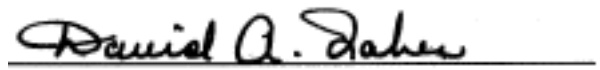
Accordingly, the court hereby **ORDERS** as follows:

1. The deadline for the filing of pretrial motions is continued to April 25, 2024;
2. The Pretrial Motions Hearing is continued to May 7, 2024, at 11:00 p.m. in Charleston;
3. Jury Instructions and Proposed Voir Dire are due by June 3, 2024;
4. Trial of this action is continued to June 11, 2024, at 9:30 a.m. in Charleston; and
5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 1st day of April, 2024.

ENTER:


David A. Faber
Senior United States District Judge